

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**CORRECTED  
FISCAL MEMORANDUM**

**HB 284 – SB 197**

March 24, 2009

**SUMMARY OF AMENDMENT (004832):** Deletes all language after the enacting clause. Purchase of more than 20 grams of an immediate methamphetamine precursor must be within a 30-day period to be considered prima facie evidence of intent to commit the Class D felony of promotion of methamphetamine manufacture. Does not apply to persons or entities that lawfully possess drug products in the course of legitimate business or health care activities.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures - \$26,500/Incarceration\*

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

On March 19, 2009, we issued a fiscal memorandum for this amendment indicating *an increase in state expenditures - \$26,500/incarceration\**. The original fiscal memorandum contained a typographical error in the first sentence of the second assumption. The admissions for this offense were an average of the past two years, not ten years. The fiscal impact does not change as a result of this correction.

**(CORRECTED)**

**Unchanged from the original fiscal note.**

Assumptions applied to amendment:

- Under current law, possession of more than 20 grams of an immediate methamphetamine precursor is prima facie evidence of intent to commit the Class D felony offense of promotion of methamphetamine manufacture.
- According to the Department of Correction (DOC), there has been an average of 39 admissions for promotion of methamphetamine manufacture offenses in each of the past two years. DOC estimates an increase of one percent (0.39) or one every two years in these offenses as

**HB 284 – SB 197 (CORRECTED)**

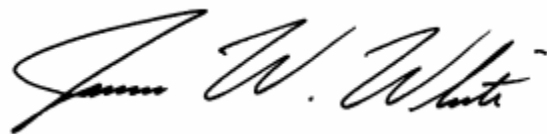
a result of this bill. According to DOC, the average operating cost per offender per year for calendar year 2009 is \$59.80.

- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- Due to the small number of offenders, no recidivism discount has been applied for the promotion of methamphetamine manufacture offenses.
- According to DOC, the average post-conviction time served for a Class D felony is 2.43 years. The cost per offender at 2.43 years is \$52,995.96 (\$59.80 x 886.22 days). One Class D felony every two years with 2.43 years served (886.22 days). The annualized time served per conviction is 443.11 days (0.50 x 886.22). The annualized cost per conviction is \$26,497.98 (\$59.80 x 443.11 days).
- Any impact to the court system is estimated to be not significant and can be handled within existing resources.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc